## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION



## ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 9. The report recommends Defendant's Motion to Dismiss (ECF No. 4) be **GRANTED**. The report and recommendation was filed on September 12, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). As of today, neither party has filed objections.

When no objections are timely filed, a district court reviews the magistrate judge's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). The Court has reviewed the report and recommendation and finds no clear error.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States

Magistrate Judge Manske (ECF No. 9) is ADOPTED.

IT IS FURTHER ORDERED that Defendant Whataburger Restaurants LLC's Motion to Dismiss (ECF No. 4) is **GRANTED.** 

IT IS FURTHER ORDERED that the above-captioned case is DISMISSED WITH PREJUDICE.

IT IS FINALLY ORDERED that the Clerk of Court is respectfully directed to close the case.

**SIGNED** this 27th day of September, 2023.

ALAN D ALBRIGHT

UNITED STATES DISTRICT JUDGE